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## Appeal Decision

Site visit made on 21 February 2020

**by R Cooper BSc (Hons) MCD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 May 2020**

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**Appeal Ref: APP/P1805/W/19/3241661**

**Land at junction of Claypit Lane / Stourbridge Road, Bourneheath, Bromsgrove B61 9LH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mathew Pugh of Pugh's Plant Hire against the decision of Bromsgrove District Council.
  - The application Ref 19/00773/FUL, dated 5 June 2019, was refused by notice dated 29 August 2019.
  - The development proposed is the continuation of use of land for the storage of machinery and equipment (B8).
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The development includes the creation of hardstanding, this has been included within the description of development on the Council's decision notice. It is also referred to in the appellant's appeal form and supporting statement. I have therefore proceeded on the basis that it forms part of the proposal.

### Main Issues

3. The appeal site lies within an area of Green Belt. Therefore, the main issues in this case are:
  - 1) Whether or not the development is inappropriate development in the Green Belt having regard to the Framework and local policies;
  - 2) The effect of the development on the openness of the Green Belt;
  - 3) Whether or not the proposed development is in a suitable location taking into account local and national planning policy in relation to sustainability;
  - 4) The effect of the proposed development on the character and appearance of the area, and;
  - 5) If the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

### *The site*

4. The appeal site is located, in planning terms, within the open countryside and also within the West Midlands Green Belt. The proposed use, which was in evidence at the time of my visit, consists of the storage of plant and machinery (B8 Use Class).

*Whether or not the proposed development would constitute inappropriate development, and whether or not it would affect the openness of the Green Belt.*

5. The National Planning Policy Framework (the Framework) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 146 of the Framework specifically deals with material changes of use of land. It specifies that a material change of use may not be inappropriate development in the Green Belt providing that it preserves the openness of the Green Belt.
6. Whilst I acknowledge that no new buildings are proposed, it seems to me that the storage of plant, machinery and associated paraphernalia and equipment in what would otherwise be an open field, can only be construed as having a negative impact on the openness of the Green Belt.
7. As the openness would not be preserved it follows that, in line with paragraph 146, the change of use would constitute inappropriate development. The Council have indicated that the proposed development would also conflict with policy BDP4 of the Bromsgrove District Plan 2011-2030 (2017) (Local Plan). However, this only deals with the erection of new buildings and is therefore not directly relevant to this case. Nonetheless, the Framework indicates that the change of use would be inappropriate development and also makes clear, in paragraph 143, that such harmful development should not be approved except in very special circumstances.

### *Suitability of location*

8. Policy BDP13 of the Local Plan states that the Council will seek to maintain a balanced portfolio of sites by promoting, amongst other things, sustainable economic development in rural areas through proportionate extensions to existing businesses or conversion of rural buildings taking into account the potential impact on openness and the purposes of including land in the Green Belt. I have found that openness would be harmed, therefore the proposal conflicts with this policy. As such, the development is not suitably located, and is inconsistent with the sustainable development principles contained in Policy BDP1 of the Local Plan and the Framework.

### *Character and appearance*

9. The site consists of a rectangular parcel of land, positioned at the bottom of an agricultural field that slopes down towards the site, and is accessed via a track from Stourbridge Road. Whilst the site is viewed against a backdrop of existing buildings and woodland, the development's encroachment into the open agricultural field is still evident, and it appears incongruous within the surrounding open countryside. It has an urbanising effect on the area, thereby detracting from the overall rural setting. It follows that the change of use conflicts with policy BDP19 of the Local Plan, which seeks to ensure, amongst

other things that development enhances the character and distinctiveness of the local area.

10. In arriving at this conclusion, I have considered the existing hedgerows and proposed planting. However, these have a limited effect on mitigating the harm caused to the character and appearance of the area. The site remains visible when approaching the access on Stourbridge Road, as the land levels fall away from the road, which opens up views above the planting, towards the adjacent fields and appeal site.
11. I also acknowledge the appellant's point regarding the heights of the various vehicles, plant and machinery that are stored on site. To my mind however, a planning condition restricting height would not sufficiently mitigate the impact of the change of use so as to make it acceptable.

#### *Other considerations*

12. The appellant's site at Yarnold Lane is restricted in size, has poor accessibility, limited capacity and circulation space within the yard. The appellant considers that these constraints threaten the success of the business, although I have been provided with little direct evidence to substantiate this. The change of use also assists with the growth of the business, retaining and providing employment in the rural area.
13. The appeal site is located in relatively close proximity to the appellant's other site. The site is not visited by the public and would be landscaped. The appellant also points out that other farmyards and buildings are used for employment.

#### *Overall balance*

14. The Framework states that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Substantial weight must be given to the harm to the Green Belt due to the inappropriate nature of the proposed development and the harm that this would cause to openness and the character and appearance of the area.
15. Against this the factors in favour of the proposal (other considerations) taken cumulatively, do not to my mind outweigh the identified harm. Consequently, the very special circumstances necessary to justify the appeal do not exist.

#### **Conclusion**

16. Therefore, for the above reasons and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*R Cooper*

INSPECTOR